

1 KENNETH R. O'ROURKE (S.B. #120144)
korourke@omm.com
2 STEVEN H. BERGMAN (S.B. #180542)
sbergman@omm.com
3 JANE Y. CHANG (S.B. #241890)
jchang@omm.com
4 O'MELVENY & MYERS LLP
400 South Hope Street
5 Los Angeles, CA 90071-2899
Telephone: (213) 430-6000
6 Facsimile: (213) 430-6407

7 MICHAEL F. TUBACH (S.B. #145955)
mtubach@omm.com
8 O'MELVENY & MYERS LLP
275 Battery St.
9 San Francisco, CA 94111
Telephone: (415) 984-8700
10 Facsimile: (415) 984-8701

11 *Attorneys for Defendants*
HYNIX SEMICONDUCTOR INC. and
12 HYNIX SEMICONDUCTOR AMERICA INC.

13
14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**

16 In re DYNAMIC RANDOM ACCESS
17 MEMORY (DRAM) ANTITRUST
18 LITIGATION

19 This Document Relates to:

20 STATE OF NEW YORK,

21 Plaintiff

22 v.

23 MICRON TECHNOLOGY, INC., et
24 al.,

25 Defendants.

Master File No. M-02-1486 PJH
MDL. No. 1486
Case No. C 06-6436 PJH

Assigned for all purposes to the
Hon. Phyllis J. Hamilton

JOINT STIPULATION AND
[PROPOSED] ORDER REGARDING
DEFENDANTS' RESPONSE DATE TO
PLAINTIFF THE STATE OF NEW
YORK'S AMENDED COMPLAINT

Plaintiff the State of New York and Defendants Elpida Memory, Inc. and Elpida Memory (USA) Inc. (collectively "Elpida"), Infineon Technologies AG and Infineon Technologies North America Corp. (collectively "Infineon"), Hynix Semiconductor Inc. and Hynix Semiconductor America Inc. (collectively "Hynix"), Micron Technology, Inc. and Micron Semiconductor Products, Inc. (collectively "Micron"), Mosel Vitelic Inc. and Mosel Vitelic Corp. (collectively "Mosel"), Nanya Technology Corp. and Nanya Technology Corp. USA (collectively "Nanya"), and NEC Electronics America, Inc., by and through their counsel, jointly submit this stipulation regarding Defendants' response, whether by answer or motion, to Plaintiff the State of New York's Amended Complaint filed with the Court on October 1, 2007.

IT IS HEREBY STIPULATED by the parties, by and between their counsel and subject to Court approval, that without waiving the right to assert any and all defenses available to Defendants, and in the interest of keeping this case on a parallel track as *State of California v. Infineon Technologies AG*, Case No. C-06-4333 PJH, Defendants have thirty (30) days from the Court's order on the filing of the [Proposed] Third Amended Complaint in the *State of California* action to respond, whether by answer or motion, to the amended complaint in *State of New York v. Micron Technology Inc.*, Case No. C-06-6436 PJH.

Dated: October 23, 2007

ANDREW CUOMO
Attorney General of the State of New York
JAY L. HIMES
RICHARD L. SCHWARTZ
JEREMY R. KASHA

O'MELVENY & MYERS LLP
KENNETH R. O'ROURKE.
MICHAEL F. TUBACH
STEVEN H. BERGMAN
JANE Y. CHANG

By: /Richard L. Schwartz/
Richard L. Schwartz

By: /Steven H. Bergman/
Steven H. Bergman

Attorneys for Plaintiff State of New York

*Attorneys for Hynix Semiconductor Inc.
and Hynix Semiconductor America Inc.
and, for purposes of this stipulation only,
signing on behalf of all other defendants*

[Proposed] Order

Pursuant to the Stipulation of the parties, the Court hereby orders that Defendants shall have thirty (30) days from the date the Court order on the filing of the [Proposed] Third Amended Complaint in *State of California v. Infineon Technologies AG*, Case No. C-06-4333 PJH to respond to the First Amended Complaint by answer or by motion.

Dated: October 26, 2007

